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Katten Muchin Zavis Rosenm 575 Madison Avenue New York, NY 10022-8800		EXAMINER PHAN, HUY Q		
		ART UNIT PAPER NUMBER		
		2685		
		DATE MAILED: 01/16/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,878

Applicant(s)

MOHEBBI, BEHZAD

Examiner

Huy Q Phan

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-64 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 31-64 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 31-33, 36-39 and 62 are rejected under 35 U.S.C. 102(e) as being anticipated by Padovani et al. (US-6,151,502).

Regarding claim 31, Padovani discloses a cellular communications network comprising: a call setup portion operable, in a call setup process for setting up a call for a mobile station of the network, to allocate respective uplink and downlink channels between the mobile station and a first one of a plurality of base transceiver stations of

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the network, and to provide the mobile station and at least one further base transceiver station of said plurality, neighbouring said first base transceiver station, with call setup information for use by the mobile station and the or each said further base transceiver station to allocate respective uplink and downlink channels between the further base transceiver station concerned and the mobile station (col. 4, lines 17-25); and

a hand-off control portion operable initially, upon completion of the call setup process, to set said first base transceiver station to an active state, in which its said uplink and downlink channels are in use, and to set the or each said further base station to a dormant state in which the uplink and downlink channels of the further base transceiver station concerned are not in use, the hand-off control portion also being operable when, during the course of the call, it is determined that the mobile station should communicate with the, or one of the, further base transceiver stations, to employ such call setup information provided in the call setup process to bring about change of that further base transceiver station from said dormant state to said active state (col. 3, line 59-col.4, line 16).

Regarding claim 32, Padovani discloses a cellular communications network according to claim 31, as recited in the rejection of claim 31, wherein said hand-off control portion is operable to identify a single base transceiver station that is to communicate with the mobile station at any one time during the course of said call (col. 5, lines 10-11).

Regarding claim 33, Padovani discloses a cellular communications network according to claim 32, as recited in the rejection of claim 32, wherein said hand-off control portion is operable, when causing one of the base transceiver stations to change from said dormant state to said active state, to cause the base transceiver station that is currently in the active state to change to the dormant state (col. 3, line 59-col.4, line 16).

Regarding claim 36, Padovani discloses a cellular communications network according to claim 31, as recited in the rejection of claim 31, wherein said hand-off control portion comprises: a monitoring portion, included in said mobile station, which provides respective signal measures for said first base transceiver station and the or each further base transceiver station, each signal measure serving to indicate the performance of a communications channel between the mobile station and the base transceiver station concerned (col. 4, lines 26-39); and a base transceiver station selection portion which determines, in dependence upon said signal measures, with which of the base transceiver stations the mobile station should communicate (col. 3, lines 17-25).

Regarding claim 37, Padovani discloses a cellular communications network according to claim 36, as recited in the rejection of claim 36, wherein said base transceiver station selection portion is also provided in the mobile station, and the mobile station is operable to include, in one or more uplink signals transmitted thereby,

and uplink control message identifying one of the base transceiver stations with which the mobile station requests communication (col. 3, lines 22-58).

Regarding claim 38, Padovani discloses a cellular communications network according to claim 37, as recited in the rejection of claim 37, wherein the mobile station transmits such an uplink control message in each frame of the channel signals between the mobile station and the base transceiver station with which it is in communication (col. 3, lines 22-30).

Regarding claim 39, Padovani discloses a cellular communications network according to claim 38, as recited in the rejection of claim 38, wherein said uplink control message transmitted in each frame identifies the base transceiver station determined in dependence upon the signal measures produced based on the communications channel performance in the preceding frame (col. 3, lines 31-40).

Regarding claim 40, Padovani discloses a cellular communications network according to claim 36, as recited in the rejection of claim 36, wherein said monitoring portion produces said signal measure for each base transceiver station based on a monitoring period of no longer than one frame of said communications channel (col. 3, lines 22-40).

Regarding claim 41, Padovani discloses a cellular communications network according to claim 36, as recited in the rejection of claim 36, wherein, for the or each said base transceiver station that is in said dormant state, said signal measure indicates the performance of a downlink common control channel from the base transceiver station concerned to the mobile station (col. 4, lines 3-24).

Regarding claim 42, Padovani discloses a cellular communications network according to claim 31, as recited in the rejection of claim 31, wherein the same uplink channel and/or the same downlink channel is/are assigned by the network to the mobile station for use in communicating with two or more of said base transceiver stations of said plurality (col. 5, lines 16-20).

Regarding claim 43, Padovani discloses a cellular communications network according to claim 42, as recited in the rejection of claim 42, being a code-division multiple-access network, wherein the same set of codes is assigned to the mobile station for the uplink and/or downlink channels between it and two or more of said base transceiver stations of the network (col. 5, line 12).

Regarding claim 61, Padovani discloses a cellular communications network according to claim 31, as recited in the rejection of claim 31, wherein the assignment to the mobile station of said same uplink channel and/or downlink channel is made when a call is set up between the network and the mobile station, and the same assigned

channel(s) is/are used by the mobile station for communication with different base transceiver stations of said plurality for all or part of the duration of the call (col. 5, lines 30-57).

Regarding claim 62, Padovani discloses a cellular communications network comprising: call setup means operable, in a call setup process for setting up a call for a mobile station of the network, to allocate respective uplink and downlink channels between the mobile station and a first one of a plurality of base transceiver stations of the network, and to provide the mobile station and at least one further base transceiver station of said plurality, neighboring said first base transceiver station, with call setup information for use by the mobile station and the or each said further base transceiver station to allocate respective uplink and downlink channels between the further base transceiver station concerned and the mobile station (col. 4, lines 17-25); and hand-off control means operable initially, upon completion of the call setup process, to set said first base transceiver station to an active state, in which its said uplink and downlink channels are in use, and to set the or each said further base station to a dormant state in which the uplink and downlink channels of the further base transceiver station concerned are not in use, the hand-off control means also being operable when, during the course of the call, it is determined that the mobile station should communicate with the, or one of the, further base transceiver stations, to employ such call setup information provided in the call setup process to bring about change of that further base

transceiver station from said dormant state to said active state (col. 3, line 59-col.4, line 16).

4. Claims 44-53, 55-60 and 63-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Blakeney, II et al. (US-5,267,261).

Regarding claim 44, Blakeney, II et al. discloses a mobile station, for use in a cellular communications network, comprising: a call setup information receiving portion, operable in a call setup process for setting up a call between the network and the mobile station, to receive from a first base transceiver station of the network call setup information for use by the mobile station to allocate respective uplink and downlink channels between the mobile station and at least one further base transceiver station of the network; a call setup information storage portion which stores the received call setup information (col. 3, lines 32-44); and a hand-off control portion operable initially, following completion of said call setup process, to cause the mobile station to communicate with said first base transceiver station and operable when, during the course of the call it is determined that the mobile station should communicate with the, or one of the, further base transceiver stations, to employ the stored call setup information received in the call setup process to activate said uplink and downlink channels between the mobile station and that further base transceiver station (col. 3, line 45-col.4, line 28).

Regarding claim 45, Blakeney, II et al. discloses a mobile station according to claim 44, as recited in the rejection of claim 44, further comprising: a monitoring portion which produces a signal measure for said first base transceiver station and for the or each further base transceiver station, which signal measure serves to indicate the performance of a communications channel between the mobile station and the base transceiver station concerned (col. 4, lines 1-4).

Regarding claim 46, Blakeney, II et al. discloses a mobile station according to claim 45, as recited in the rejection of claim 45, further comprising a base transceiver station selection portion which determines, in dependence upon said signal measures, with which of the base transceiver stations the mobile station should communicate (col. 4, lines 1-14).

Regarding claim 47, Blakeney, II et al. discloses a mobile station according to claim 46, as recited in the rejection of claim 46, wherein the mobile station further comprises: a message portion operable to include, in one or more uplink signals transmitted by the mobile station, an uplink control message identifying the or each determined base transceiver station (col. 4, lines 28-30).

Regarding claim 48, Blakeney, II et al. discloses a base transceiver station, for use in a cellular communications network, comprising: a call setup information receiving portion operable, in a call setup process for setting up a call between the network and a

mobile station of the network that is currently being served by another base transceiver station of the network neighbouring the claimed base transceiver station, to receive call setup information relating to the call, for use by the claimed base transceiver station to allocate respective uplink and downlink channels between it and the mobile station; a call setup information storage portion which stores the received call setup information; and a hand-off control portion operable initially, following completion of said call setup process, to maintain the claimed base transceiver station in a dormant state, in which said uplink and downlink channels are not in use, and, when it is determined by the network that the mobile station should communicate with the claimed base transceiver station, to employ the stored call setup information received in the call setup process to change the base transceiver station from said dormant state to an active state in which its said uplink and downlink channels are in use (col. 8, lines 28-46).

Regarding claim 49, Blakeney, II et al. discloses a base transceiver station according to claim 48, as recited in the rejection of claim 48, further comprising: an uplink control message receiving portion operable, when the base transceiver station is in the active state, to detect, in an uplink signal transmitted by the mobile station to the base transceiver station, an uplink control message identifying a base transceiver station of the network with which the mobile station requests communication (col. 4, lines 4-10); a comparison portion which compares the identity of the requested base transceiver station specified by the received uplink control message with its own base transceiver station identity (col. 8, lines 40-46); and a status control portion which

changes the base transceiver station from said active state to said dormant state if the requested base transceiver station identity is different from said own base transceiver station identity (col. 8, lines 19-23).

Regarding claim 50, Blakeney, II et al. discloses a base transceiver station according to claim 49, as recited in the rejection of claim 49, further comprising: a new base transceiver station informing portion operable, when the requested base transceiver station identity is different from said own base transceiver station identity, to send to a base station controller of the network a message specifying the requested base transceiver station identity (col.4, lines 55-67).

Regarding claim 51, Blakeney, II et al. discloses a communications method for use in a cellular mobile communications network, comprising: in a call setup process, for setting up a call for a mobile station of the network, allocating respective uplink and downlink channels between the mobile station and a first one of a plurality of base transceiver stations of the network, and providing the mobile station and at least one further base transceiver station of said plurality, which further base transceiver station neighbors said first base transceiver station, with call setup Information for use by the mobile station and the or each said further base transceiver station to allocate respective uplink and downlink channels between the further base transceiver station concerned and the mobile station; after completion of the call setup process, initially setting the first base transceiver station to an active state, in which said uplink and

downlink channels between it and the mobile station are in use, and setting the or each further base transceiver station to a dormant state, in which said uplink and downlink channels between the further base transceiver station concerned and the mobile station are not in use (col. 9, line 60-col. 10, line 7); and when, during the course of the call, it is determined that the mobile station should communicate with the, or one of the, further base transceiver stations, employing such call setup information provided in the call setup process to bring about change of that further base transceiver station from said dormant state to said active state (col. 9, lines 39-50).

Regarding claim 52, Blakeney, II et al. discloses a cellular communications network in which the same uplink channel and/or the same downlink channel is/are assigned by the network to a mobile station of the network for use in communicating with a plurality of base transceiver stations of the network, and the mobile station uses that/those same assigned channel(s) both before and after a hand-off operation in which the mobile station is handed off from one base transceiver station of said plurality to another base transceiver station of said plurality (col. 11, lines 47-57).

Regarding claim 53, Blakeney, II et al. discloses a cellular communications network according to claim 52, as recited in the rejection of claim 52, being an analog network, wherein the same carrier frequency is assigned to the mobile station for communication in the uplink and/or downlink direction with all of the base stations of said plurality.

Regarding claim 56, Blakeney, II et al. discloses a cellular communications network according to claim 52, as recited in the rejection of claim 52, being a code-division multiple access (CDMA) network, wherein the same set of codes is assigned to the mobile station for use in communicating in the uplink direction and/or downlink direction with all of the base transceiver stations of said plurality (col. 5, lines 22-32).

Regarding claim 57, Blakeney, II et al. discloses a cellular communications network according to claim 52, as recited in the rejection of claim 52, wherein the assignment to the mobile station of said same uplink channel and/or downlink channel is made when a call is set up between the network and the mobile station, and the same assigned channel(s) is/are used by the mobile station for communication with different base transceiver stations of said plurality for all or part of the duration of the call (col. 8, lines 31-41).

Regarding claim 58, Blakeney, II et al. discloses a cellular communications network according to claim 52, as recited in the rejection of claim 52, network as claimed in claim 52, wherein the same uplink channel and/or the same downlink channel is/are assigned by the network to the mobile station for use in communicating with substantially all of the base transceiver stations of the network (col. 8, lines 55-58).

Regarding claim 59, Blakeney, II et al. discloses a cellular communications network according to claim 52, as recited in the rejection of claim 52, wherein the or each assigned channel is a traffic channel (col. 7, lines 3-5).

Regarding claim 60, Blakeney, II et al. discloses a cellular communications network according to claim 52, as recited in the rejection of claim 52, wherein said hand-off operation is a soft hand-off operation in which said mobile station is in communication with more than one base transceiver station of the network (col. 8, lines 55-58).

Regarding claim 63, Blakeney, II et al. discloses a mobile station, for use in a cellular communications network, comprising: call setup information receiving means, operable in a call setup process for setting up a call between the network and the mobile station, to receive from a first base transceiver station of the network call setup information for use by the mobile station to allocate respective uplink and downlink channels between the mobile station and at least one further base transceiver station of the network; call setup information storage means for storing the received call setup information (col. 3, lines 32-44); and hand-off control means operable initially, following completion of said call setup process, to cause the mobile station to communicate with said first base transceiver station and operable when, during the course of the call it is determined that the mobile station should communicate with the, or one of the, further base transceiver stations, to employ the stored call setup information received in the call

setup process to activate said uplink and downlink channels between the mobile station and that further base transceiver station (col. 3, line 45-col. 4, line 28).

Regarding claim 64, Blakeney, II et al. discloses a base transceiver station, for use in a cellular communications network, comprising: call setup information receiving means operable, in a call setup process for setting up a call between the network and a mobile station of the network that is currently being served by another base transceiver station of the network neighbouring the claimed base transceiver station, to receive call setup information relating to the call, for use by the claimed base transceiver station to allocate respective uplink and downlink channels between it and the mobile station; call setup information storage means for storing the received call setup information; and hand-off control means operable initially, following completion of said call setup process, to maintain the claimed base transceiver station in a dormant state, in which said uplink and downlink channels are not in use, and, when it is determined by the network that the mobile station should communicate with the claimed base transceiver station, to employ the stored call setup information received in the call setup process to change the base transceiver station from said dormant state to an active state in which its said uplink and downlink channels are in use (col. 8, lines 28-46).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padovani et al. in view of Blakeney, II et al. (US-5,267,261).

Regarding claim 34, Padovani discloses all the limitations of a cellular communications network according to claim 31, as recited in the rejection of claim 31, except wherein said call setup portion is operable, in said call setup process, to cause the mobile station and the or each said further base transceiver station to exchange channel negotiation signalling for allocating said uplink and downlink channels therebetween. However, Blakeney, II et al. teaches a network, wherein said call setup portion is operable, in said call setup process, to cause the mobile station and the or each said further base transceiver station to exchange channel negotiation signalling for allocating said uplink and downlink channels therebetween (col. 6, lines 35-68). Since both Padovani et al. and Blakeney et al. are related to a communication network; then, it would have been obvious to one of ordinary skilled in the art at the time of the invention for including wherein said call setup portion is operable, in said call setup process, to cause the mobile station and the or each said further base transceiver station to exchange channel negotiation signalling for allocating said uplink and downlink channels therebetween as taught by Blakeney, II et al. into the network of Padovani et

al. in order extend the use of the base station and the mobile station of the communication network.

Regarding claim 35, Padovani et al. discloses all the limitations of a network according to claim 31, as recited in the rejection of claim 31, except wherein said call setup information provided to the or each further base transceiver station and/or to the mobile station comprises one or more of the following: service rate, channelisation code(s), scrambling code(s) of the uplink and/or downlink channels. However, Blakeney, II et al. teaches a network, wherein said call setup information provided to the or each further base transceiver station and/or to the mobile station comprises one or more of the following: service rate, channelisation code(s), scrambling code(s) of the uplink and/or downlink channels (col. 7, lines 3-12).

7. Claims 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blakeney, II et al. in view of Haartsen (US-6,009,332).

Regarding claim 54, Blakeney, II et al. discloses all the limitations of a network according to claim 52, as recited in the rejection of claim 52, except of being a Global System for Mobile Communication (GSM) network, wherein the same carrier frequency and the same time slot is assigned to the mobile station for communication in the downlink direction and/or uplink direction with all of the base transceiver stations of said plurality. However, Haartsen teaches a network of being a Global System for Mobile

Communication (GSM) network, wherein the same carrier frequency and the same time slot is assigned to the mobile station for communication in the downlink direction and/or uplink direction with all of the base transceiver stations of said plurality. (col. 2, lines 12-15). Since both Blakeney et al. and Haartsen are related to a communication network; then, it would have been obvious to one of ordinary skilled in the art at the time of the invention for including a Global System for Mobile Communication (GSM) network, wherein the same carrier frequency and the same time slot is assigned to the mobile station for communication in the downlink direction and/or uplink direction with all of the base transceiver stations of said plurality as taught by Haartsen into the network of Blakeney et al. in order extend the area and the use of the communication network.

Regarding claim 55, Blakeney, II et al. discloses all the limitations of a network according to claim 52, as recited in the rejection of claim 52, except of being a Global System for Mobile Communication (GSM) network employing frequency hopping, wherein the same set of carrier frequencies and the same time slot and the same hopping sequence is assigned to the mobile station for communication in the uplink direction and/or downlink direction with all of the base transceiver stations of said plurality. However, Haartsen teaches a network of being a Global System for Mobile Communication (GSM) network employing frequency hopping, wherein the same set of carrier frequencies and the same time slot and the same hopping sequence is assigned to the mobile station for communication in the uplink direction and/or downlink direction with all of the base transceiver stations of said plurality (col. 2, lines 12-15).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Gilhousen et al. (US-5,101,501) discloses the method and system for providing a soft handoff in communications in a CDMA cellular telephone system.
- b) Antonio et al. (US-6,519,456) discloses softer handoff in a base station employing virtual channel elements.
- c) Kotzin et al. (US-5,822,699) discloses method and apparatus for maintaining call in a communication system.
- d) Anderson et al. (US-6,161,013) discloses wireless communication system and method.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Urban F Edward can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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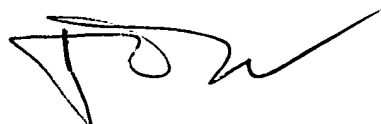
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

HP

PABLO N. TRAN
PRIMARY EXAMINER



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